Tom L. Lewis Lewis & Slovak, P.C. P. O. Box 2325 Great Falls, MT 59403 (406) 761-5595 PAGE AUG -8 PN 3:55

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IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re;)	Chapter 11
W.R. GRACE & CO., et al)	Case No. 01-01139 (JKF) (Jointly Administered)
3 3 3 4 6 6 7))	Claim No. 00006092

RESPONSE TO DEBTORS' SECOND OMNIBUS OBJECTION TO CLAIMS (NON-SUBSTANTIVE)

On behalf of claimant, Douglas Kelley (Claim No. 00006092), his attorney, Tom L. Lewis of Lewis & Slovak, P.C., objects to Debtors' Second Omnibus Objection to Claims (Non-Substantive), dated July 21, 2003, and received August 7, 2003, on the basis of improper notice and further responds as follows:

- 1. Claimant's claim is with respect to asbestos contamination from a Grace product in or on the property.
- 2. Claimant's claim is based upon the findings of the U.S. Environmental Protection Agency in its Administrative Record and supplement, test results, and other documentation, as well as information obtained from other sources, including but not limited to local and national news reports, articles and meetings.
- 3. Claimant consented to the production and release of supporting documentation, in the possession of the U.S. Environmental Protection Agency, to Grace and Grace's representatives at the time of submission of claim in March, 2003.
- 4. Claimant has attached supporting documentation, which was not available at the time the proof of claim was filed.

RESPONSE TO DEBTORS' SECOND OMNIBUS OBJECTION TO CLAIMS (NON-SUBSTANTIVE) - 1

Case 01-01139-AMC Doc 4229 Filed 08/12/03 Page 2 of 16

Respectfully submitted this 8th day of August, 2003.

Lewis & Slovak, P.C.

Tom L. Lewis

P.O. Box 2325

Great Falls, MT 59403 (Attorneys for Claimant)

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CERTIFICATE OF SERVICE

I hereby certify that a true and legible copy of the foregoing Response to Debtors' Second Omnibus Objection to Claims (Non-Substantive) was served on the 8th day of August, 2003, by fax and by first class mail, upon the following:

James W. Kapp III, Janet S. Baer and Christian J. Lane Kirkland & Ellis, LLP 200 East Randolph Drive Chicago, IL 60601

Scott E. McFarland Pachulski, Stang, Ziehl, Young, Jones & Weintraub, P.C. 919 North Market Street 16th Floor Wilmington, DE 19801

RESPONSE TO DEBTORS' SECOND OMNIBUS OBJECTION TO CLAIMS (NON-SUBSTANTIVE) - 2

Soil samples collected (E)

LIBBY ASBESTOS PROJECT Contaminant Scressing Study

Primary Structure and Property Assessment Information Field Form (Primary IFF)

100234	Page No.: 80 Site Visit Date:	6.30.03	
eld Logbook No.: 100234	Structure Descriptio	. House	
ddress: 3819 HLY 2 5.	EUZY Phone	29	13-5063
ccupant: Douc + MARINN Ki	FACILITY	a Number.	
wher (if different than occupant): N	/A Phone	e Number:	· .
N/a		A S E S S S S S S S S S S S S S S S S S	· *****
lusiness Name: 1917 Sampling Team: Joe Martin,	DAVE SPIELMAN	では、「「「「」」」」」」」」」」」」」」」」」」」」」」」」」」」」」」」」」	,
sampling realist.	What spiechand was was	CHIO	11
field Form Check Completed by (140	(2% of forms):	erenne ere eren eren eren eren eren ere	420
Screening Field Check Completed by	(2% 01 1011115)		
Data Item	Value		Notes
	And the second s		
HOUSE ATTRIBUTES		AND THE PERSON OF THE PERSON O	
Property Description	Residential Industrial Commercial		
Surrounding Land Use	Residential Cindustrial Communication		
-	School - Mining	a property of the state of the	
•			
	Other:	OWNES OF	ise bestock - 51 des
Year of Construction	IGG3 Unknown	estimate	76
Square Footage	losoft?	GALLASA	7 80
Construction Material	Wood frame Masonry/Stone		
Caustroction Material	and the second second second		
	Other	i il an employment and the second	A 12
Number of Floors Above Ground	(1) 2, 3 Other:	A STATE OF THE PARTY OF THE PAR	a surviva
Number of Rooms Per Floor Above	1:		
Ground -	Other:		
		crawl s	ace
Basement	The state of the s		
Heating Source	Wood/Coal Electric Propane/Gas		•
-	Other		and Control of
I land Mindshulding	Forced air Radiant	M304/4	funcid gir
Heat Distribution	The state of the s	busieve	10100 711 ·
	Other:		***



CSS Primary Structure IFF (continued)

Address 3819 Hwy 25

17KE 00 # 40E

Data Item	Value	Notes
OCCUPANT INFORMATION		
Was the residence/building remodeled?	Yes No If yes, When (years): <2 2-5 >5 Where: Affic Living Areas Garage Basement Other:	previous house was knocked ann, new house built by these owners. Own stress renolite in previous structure, none used this structure
Has resident/business purchased any Libby vermiculite materials from W.R. Grace in the past?	Yes (No	
Has the property at this location been used for a for-profit enterprise of distributing, treating, storing, or disposing of Libby vermiculite?	Yes (No)	
CONTAMINANT SCREENING STUDY AS	SSESSMENT	
Occupant Information		Verbal Intervice Complete 25 6-30-03
Is there any knowledge of former miners, close relatives of miners, or any highly exposed persons living or visiting the property?	Vaknown No	of the 10 -
Is the resident, past or present, diagnosed with an asbestos-related disease?	(Yes) No Unknown	the test has been drag mused with asbest as related
Indoor Information	to Indoor	Visual inspection Complete: DS 6-30-03
Does the interior have vermiculite attic insulation?	Yes No	If unknown, why?
Did the Interior ever have vermiculite attic Insulation? NA applies if attic currently has VCI	Yes (No) Unknown (No) (Sag)	If unknown, why?
Are there vermiculte additives in any of the building materials?	Yes Non	If unknown. ity? Type and it don of building material:
	A CONTRACTOR OF THE PROPERTY O	The state of the s

CSS Primary Structure IFF (continued)

Address: 389 Huy 25

174500 #OF

Data Item	· Valua		Notes
ocation of indoor vermiculite (circle all hat apply)	Attic Walls Craw Space None Visual in Living Space: Basement, Ground Floor, Second Floor, Attached Garage	location:	رده ۱۶ وغال ۱۲ مادر الهالد الم
Outdoor Information	Other: Outdoor \	/isual Inspectio	ಿomplete: ರ್ಯ. ಸಗ ६.३८-೨
Location of outdoor vermiculite (circle all that apply)	のでは、これでは、これでは、これでは、これでは、これでは、これでは、これでは、これ	AND COMPANY OF THE PARTY OF THE PARTY.	s, verniculte the drivery not Both. sobbein beck padi so high concentration
Overall Assessment Complete: <u>୨६,उन्त ६,३०</u> ०३	Reconnaissance (Verbal Interview, Indoor, C	outdoor Inspectio	1)
Are primary source materials present at the property? Where are primary source materials located?	Inside	NA applies if materials an	o primary source ocated at the property.
ADDITIONAL INFORMATION (Note any	y partial access or sample collection issues)	A STATE OF THE PARTY OF T	13
	to the house for ducks heating	e house hi	d stare shed)
built by same	owner/occupent (Doug Kelley) -	to har L	reports that es not, Confirmed b
owner reports s	ion: lumber from original structu	The state of the s	

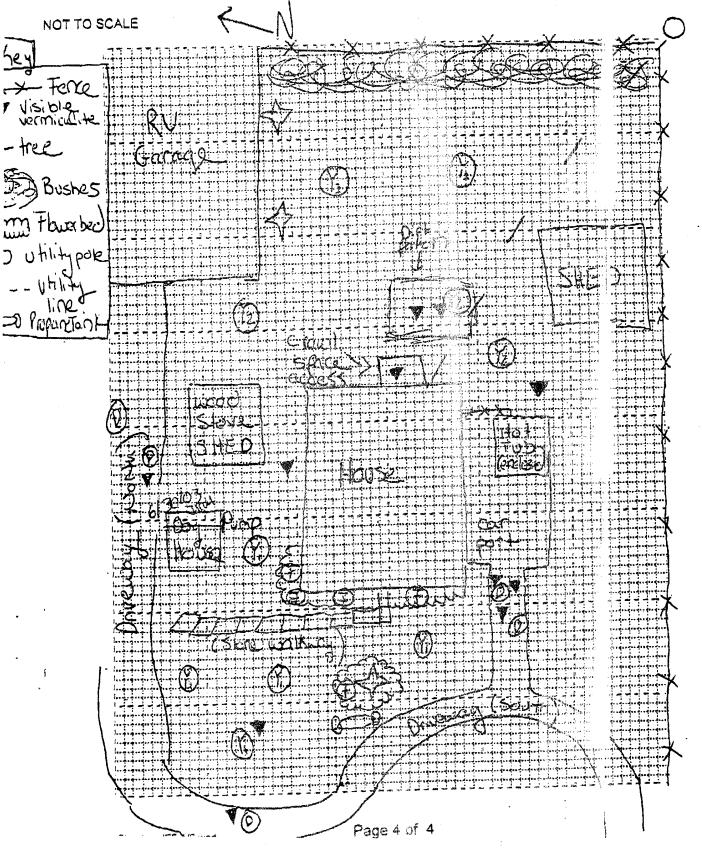
Diet Patch" on site sketch) - owner reports this is septic tank, soil is not fill, just remorted soil from the year.

CSS Primary Structure IFF (continued)

Address: 3819 HWY D# 003/4/

FIELD DIAGRAM OF PROPERTY

Identify important features (i.e. drainage, trees, gardens, structures, flowerbeds, utility poles, known underground utilities, suspected Libby amphibole source areas, sample locations, etc). Include north arrow.



Kelley, Douglas.max

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LIBBY ASBESTOS PROJECT Contaminant Screening Study itional Information Field Form (AIFF)

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ield Logbook No.: Huy 25	age Na.: Site Visit Date:	701 103 2	5063
2014		. .	2063
Occupant: Docc- Kelley	Phone Nu	mper:	
owner (if different than occupant):	Andrew Control of the		> 454
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Sampling Team: Toe MARTIN, D	ave SPIELMAN of forms): fill Market Joe Mar	から	
ield Form Check Completed by (100%	of forms): //////		10.10
Description Field Check Completed by (2°	of forms): fiff (file)	and the second second	
Instructions: Pull existing residential file fol- present. Conduct additional investigations a apply to this property.	der and original IFF; ensure past dust sampling FS s described below. If action item does not apply to	the property, G	ing FSDS, are the item does not
Catagory and Action Trigger	Action), (S)
INDOOR SAMPLING/ATTIC INSPECTIO		and a supplied to the second s	(-4/24)
Current presence of VCI - Unknown	Current Status of VCI Determined:		
Answer to IFF question: Does the interfer have VCI? = Unknown	sampling protocol after reviewing ensuing out.		
	Dipo, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations.		
	Item does not apply to this property.	State State Late - America State Sta	y, or early
Past presence of VCI - Yes	Remnants of Vermiculite Visible:		
Answer to IFF question: Did the interior ever have VCI? = Yes	Yes, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations.		
_	☐ No, collect dust samples in living space and attic per dust sampling protocol after reviewing existing dust sample locations.	-	
	Unknown, aftic cannot be accessed for visual inspection. Collect dust samples in tiving space per dust sampling protocol after reviewing existing dust sample locations.		
	Item does not apply to this property.		,,,,,

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Address:	3019	1107			and the state of t

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Answer to IFF question: Are there Condary Source Indications X Collect dust samples in living space per dust samples in living space per dust sample in livi	Tions	Action	No	: e:
Material: Answer to IFF question: Are there remiculities additives in any of the pullding materials? = Yas Material: Intact. No further action and this item required. Friable, collect dust samples in living space per dust sampling protections. Item does not apply to this property. Location dust samples NOT collected due to current presence of visible vermiculite (circle all that apply) Outpoor Sampling Visible vermiculite in large use area (Driveway or yard) Material: Intact. No further action and this item required. Intact. No further action and this item required. Intact. No further action and this item required. Item does not apply to this property. Specific location to distable vermiculite: Other. Therefore the does not apply to this property. Outpoor Sampling Visible vermiculite in large use area and add locations to existing property diagram. Collect dust samples in living space per dust sample for each use area and add locations to existing property diagram. Collect dust samples in living space per dust sample for each use area and add locations to existing property diagram.	category and Action Trigger econdary Source Indications aswer to any IFF Secondary Source dication questions (mining history, sbestos-related disease) = Yes	dust sample locations.	worked at	in as bestus
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Visible vermiculite in large use area add locations to existing property diagram. (Driveway or yard) Collect dust samples in living space per dust samples in living space per dust sample locations.	OUTDOOR SAMPLING		and the state of t	miculite
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LIBBY ASBESTOS PROJECT Contaminant Screening Study Additional Information Field Form (AIFF)

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Addition	onal Information, form	
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ld Logbook No.: 100234 P	age No. M. STORAGE	SHED
droed DOIN (C)	11 1 1 2	5063
cupant: Dour KELLEY	Phone Number 293 Phone Number Ny	
vner (If different than occupant): N	Phone Number.	
wher (it different than occupant)		**************************************
vner (If different than occupant): usiness Name: NA ampling Team: Toe MARTIN, L	DAVID SPIELMAN	
ampling Team: JOE TIAKIN)	Millett The Markin	
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Category and Action Trigger	The state of the s	
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Current presence of VCI - Unknown	Current Status of VCI Determined:	
	Yes, update existing IFF: If VCI is present,	
Answer to IFF question: Does the interior have VCI? = Unknown	Yes, update existing in living space per dust collect dust samples in living space per dust sampling protocol after reviewing existing dust	
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	Augi earming arabata area area	
-	dust sample locations.	
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LIBBY ASBESTOS PROJECT Contaminant Screening Study Additional Information Field Form (AIFF)

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ress: 3019 Hwy 2 S upant: Douc- KELLEY mer (If different than occupant): N/A iness Name: N/A upant: N/A iness Name: N/A upant: N/A iness Name: N/A inpling Team: Doe Martin Do ind Form Check Completed by (100% of the completed by (29%)	ge No.: 81 Site Visit Date: 6-3 Structure Description: Phone N Phone N Gorms): of forms): er and original IFF: ensure past dust sampling F described below. If action item does not apply it	lumber.
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Past presence of VCI - Yes Answer to IFF question: Did the interior ever have VCI? = Yes	Remnants of Vermiculite Visible: O Yes, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. No, collect dust samples in living space and attic per dust sampling protocol after reviewing existing dust sample locations. O Unknown, aftic cannot be accessed for visual inspection. Collect dust samples in protocol after	
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Address: 3819 Huy 25

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LIBBY ASBESTOS PROJECT Contaminant Screening Study Additional Information Field Form (AIFF)

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Addition	(-30-	03
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	A Item does not apply to this property.	
Past presence of VCI - Yes	Remnants of Vermiculity Visible:	
Answer to IFF question: Did the interior ever have VCI? = Yes	Di Yes, collect dust samples in living space per dust sampling protocul after reviewing existing dust sample locations.	
ever nave von	· living space	
	and anic per dust sample locations.	
-	Unknown, attic cannot be accessed for visual inspection. Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations.	
		3

• •	3319	HIJY	7.5
Address:	5017	1007	

BD# 003445

	Action	Notes
Category and Action Trigger	The state of the s	and the second s
econdary Source Indications Iswer to any IFF Secondary Source dication questions (mining history, spestos-related disease) = Yas	Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. I item does not apply to this property.	owner/occupant uns aspers tor related disease
ermiculite Present in Building Materials	Condition of Vermiculits Containing Building Material:	
inswer to IFF question: Are there emiculite additives in any of the building materials? = Yes	Intact. No further action on this item required.	
,	Friable, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations.	
•	Altern does not apply to this property.	
Location dust samples NOT collected due to current presence of visible	Basement Ground Floor Second Floor Alkached Garage (None)	
vermiculite (circle all that apply)	Other Utem does not apply to this property.	
	The state of the s	230 pm 4390c 142723 - 44 4 1
OUTDOOR SAMPLING	The second secon	o vermiculite
Visible vermiculite in large use area (Oriveway or yard)	Collect soil sample for each use area and add locations to existing property diagram.	70.0
	Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations.	na growny
	I item does not apply to this property.	A COMPANY OF THE COMP
	Tale vallection issues	A CONTRACTOR OF THE CONTRACTOR
ADDITIONAL INFORMATION (Note:	any partial access or sample collection issues	Control of the Contro
		47.50 g (1785 g V ²)
*		The second secon
		consecuence of the consecuence o
		No. 64 () ACC

05 30.03 **D- 003446**

LIBBY ASBESTOS PROJECT Contaminant Screening Study Additional Information Field Form (AIFF)

Additio	L-30	5-03
d Logbook No.: 100234 Pa Iress: 3319 Hwy 25 Supant: Dovie Kelley	ge No.: 81 Site Visit Date: 6-30 Structure Description: 5	STOVE HOWE THOSE 1/A
ner (if different than occupant): N/A	A LOUIS LA CI	moel.
mpling Team: NA MARTIN, (Mark Dewe	vct
eld Form Check Completed by (1997)	The same of the sa	. Ass. Care .
eld Form Check Completed by (2% creening Field Check Completed by (2% structions: Pull existing residential file fold resent. Conduct additional investigations as apply to this property.	er and original IFF; ensure past dust sampling FSC described below. If action item does not apply to	DS; and the sampling FSDS, are the property, check item does not Notes
Category and Action Trigger	Action	NOTES
INDOOR SAMPLING/ATTIC INSPECTION		19. 19.20m
Current presence of VCI - Unknown Answer to IFF question: Does the interior have VCI? = Unknown	sampling protocol after teviewing sample locations.	•
	No, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations.	
	Item does not apply to this property.	N.
Past presence of VCI - Yes Answer to IFF question: Did the interior ever have VCI? = Yes	Remnants of Vermiculite Visible: Yes, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations.	
	○ No, collect dust samples in living space and artic per dust sampling protocol after reviewing existing dust sample locations.	
	Unknown, attic cannot be accessed for visual inspection. Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations.	-
1 ~	X Item does not apply to this property.	· ·

css Additional IFF (Continued)

Address: 3819 Huj 2 S

80# <u>003446</u>

	Action	Notes
Category and Action Trigger	The second section of the second section is a second section of the second section of the second section is a second section of the second section is a second section of the second section of the second section is a second section of the second section of the second section is a second section of the second section of the second section is a second section of the second section of the second section is a second section of the second section of the second section is a second section of the second section of the second section is a second section of the second section of the second section is a second section of the second section of the second section is a second section of the second section of the second section is a second section of the second section of the second section is a second section of the second section of the second section is a second section of the second section of the second section is a second section of the second section of the second section is a second section of the second section of the second section is a second section of the second section of the second section is a second section of the second section of the second section is a second section of the second section of the second section is a second section of the sect	owner/occupant,
condary Source Indications swer to any IFF Secondary Source lication questions (mining history, bestos-related disease) = Yes	Collect dust samples in living space per dust sampling orotocol after reviewing existing dust sample locations. Item does not apply to this property.	bres as bestos-related due ase
ermiculite Present in Building Materials	Condition of Vermiculite Containing Building Material:	
nswer to IFF question: Are there emiculite additives in any of the uilding materials? = Yes	☐ Intact. No further action on this item required. ☐ Friable, collect dust samples in living space	
<i>:</i>	per dust sampling protections, existing dust sample locations. Item does not apply to this property.	
Location dust samples NOT collected due to current presence of visible vermiculite (circle all that apply)	Basement Ground Floor Second Floor Attached Garage (None) Other. Cliter does not apply to this property.	Specific location of visible vermiculite:
OUTDOOR SAMPLING		yermicolite in
Visible vermiculite in large use area (Oriveway or yard)	Collect soil sample for each use area and add locations to existing property diagram. Collect dust samples in living space per dust sampling protocol after reviewing exist dust sample locations. Item does not apply to this property.	hary any suremal
ADDITIONAL INFORMATION (Note	any partial access or sample collection issues	